

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUSAN MAE POLK,

No. C 12-5986 WHA (PR)

Petitioner,

**AMENDED ORDER TO SHOW
CAUSE**

v.

MATTHEW CATE,

Respondent.

Petitioner, a California prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254 setting forth 89 claims. On December 21, 2012, respondent was ordered to show cause why the petition should not be granted based upon these claims. On January 22, 2013, petitioner submitted an amended petition also setting forth 89 claims. As this is petitioner's first time amending her petition, leave to file the amended petition is **Granted**.

Petitioner may not continue to amend the petition indefinitely. If petitioner wants to further amend the petition, she must do so on or before **March 1, 2013**. Leave to further amend the petition will not be granted after that date, and any further amended petition received after that date will not be filed.

The clerk shall mail a copy of this order and the amended petition (dkt. 14-16) with all attachments to the respondent and the respondent's attorney, the Attorney General of the State of California.


On or before **June 1, 2013**, respondent shall file with the court and serve on petitioner

1 an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases,
2 showing cause why a writ of habeas corpus should not be granted based on the claims set forth
3 in the amended petition which are, when liberally construed, cognizable. Respondent shall file
4 with the answer and serve on petitioner a copy of all portions of the state trial record that have
5 been transcribed previously and that are relevant to a determination of the issues presented by
6 the petition. If petitioner wishes to respond to the answer, she shall do so by filing a traverse
7 with the court and serving it on respondent within **28 days** of the date the answer is filed.

8 Respondent may alternatively file, on or before **June 1, 2013**, a motion to dismiss on
9 procedural grounds in lieu of an answer, as set forth in the Advisory Committee Notes to Rule
10 4 of the Rules Governing Section 2254 Cases. If respondent files such a motion, petitioner shall
11 file with the court and serve on respondent an opposition or statement of non-opposition within
12 **28 days** of the date the motion is filed, and respondent shall file with the court and serve on
13 petitioner a reply within **14 days** of the date any opposition is filed.

14 **IT IS SO ORDERED.**

15 Dated: January 31, 2013.

16 
17 WILLIAM ALSUP
18 UNITED STATES DISTRICT JUDGE

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